

EXAMINER'S AMENDMENT

BC

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

8/17/06

Authorization for this examiner's amendment was given in a telephone interview with Brad Pedersen on 15 June 2006.

The application has been amended as follows:

Claim 14, line 4, delete "shoulder".

Claim 14, line 8, delete "elbow".

Claim 15, line 1, delete "elbow".

Claim 15, line 2, change "means comprises" to - -means for retaining tissue comprises- -.

Claim 16, line 1, delete "shoulder".

Claim 16, line 2, change "means defines" to - -means for dynamically transitioning defines- -.

Claim 17, line 1, delete "shoulder".

Claim 17, line 2, change "means defines" to - -means for dynamically transitioning defines- -.

Claim 19, line 1, delete "elbow".

1 Claim 19, line 2, change "means includes" to - -means for retaining includes- -.

2 Claim 19, line 3, delete "elbow".

²
Claim 19, line 3, change "means that" to - -means for retaining tissue that- -.

Claim 20, line 3, ~~delete~~ "elbow".

³
Claim 20, line 4, change "means for" to - -means for retaining tissue for- -.

BC
8/17/06

2. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or render obvious the overall claimed invention of a dynamic bioabsorbable staple for use with a wound in living human tissue having opposed sides, the stapled comprising: a bioabsorbable staple body including a pair of staple arms operably joined at a shoulder portion by a backspan, each shoulder portion including an interior should angle generally defined by the backspan and the staple are, the shoulder portion constructed so that the interior shoulder angle is between 70-100 degrees in a first position at an insertion time, the interior shoulder angle transition to between 120-180 degrees in a second deformed position at a second time subsequent to the insertion time in response to lateral forces naturally exerted by the opposed sides of the wound and deformation of at least the shoulder portions of the bioabsorbable staple body caused by polymeric creep and absorbtion of the bioabsorbable staple body in the living human tissue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."